IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE BILAL NAZKI

AND

THE HON'BLE MR. S.ANANDA REDDY

W.P. NO. 14328 OF 2007

Dated: 10th July, 2007

Between:

M/s. J.K. Traders (Ramakrishna 70MM)
NTR's Estate, Jawaharlal Nehru Road,
Hyderabad, Rep. By its Proprietor
Mr. N. Jayakrishna

Petitioner

AND

The Entertainment Tax Officer,
Sultan Bazar Circle, Hyderabad and others

Respondents

ORAL ORDER:
(Per the Hon'ble Sri Justice Bilal Nazki)

Heard the learned counsel for the parties. This writ

petition came up for admission on 5.7.2007 and it was adjourned, so that the learned Government Pleader gets instructions.

The petitioner is aggrieved of a notice dated 02.06.2007 by which an amount of Rs.2,58,421/- was demanded from the petitioner as interest on delayed payment of tax for the year 1996-1997. The notice further noted that he had filed an appeal, which has been dismissed.

The learned counsel for the petitoner submitted that although there was no order asking him to pay the interest, earlier also he was given notice for payment of interest.

The learned Government Pleader argued that under Sec. 4(4) of the A.P. Entertainment Tax Act, no notice is necessary to be given in order to demand interest on delayed payment.

We cannot agree with such an argument, because an order imposing civil liability for payment of money cannot be passed without giving a chance of hearing to him. Existence of such an opportunity shall have to be read within Sec. 4(4) of the A.P. Entertainment Tax Act. In that view of the matter, without going into the merits of the

case, we direct, the notice issued on 02.06.2007 be treated as show cause notice. The petitoner shall file his reply within fifteen days and take all such pleas which are available to him to show that he is not liable to pay the interest and, thereafter, the respondents may decide the matter on merits by passing a speaking order.

The writ petition is accordingly disposed of. No costs.

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Bilal Nazki, J.

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S.Ananda Reddy, J.

July 10, 2007

Copy in two days.

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